

Civil Enforcement Case Report

Civil Enforcement Case

Basic Information

Case Number: 01-2015-4001
Case Name: BAYER CROPSCIENCE LP
Case Category: Administrative - Formal
Case Status (as of 12/08/2014): Final Order Issued
Case Lead: EPA
Court Docket Number: --
DOJ Docket Number: --

Relief Sought: Penalty
Enforcement Outcome: Final Order With Penalty
Headquarters Division: --
Branch: --
Result of Voluntary Disclosure? No
Multi-media Case? --
Enforcement Type: FIFRA 14A Action For Penalty
Violations: Labeling/Marking Requirements

Penalties – Case Level

Total Federal Penalty Assessed or Agreed To: \$85,500
Total State/Local Penalty Assessed: \$0
Total SEP Cost: \$0
Total Compliance Action Cost: \$0
Total Cost Recovery: \$0

Case Summary

On December 8, 2014, Region 1 filed a Consent Agreement and Final Order (CAFO) resolving a case against Bayer CropScience LP of Research Triangle Park, North Carolina, brought under FIFRA. The CAFO is the result of pre-filing settlement negotiations regarding civil penalty claims against Bayer, a primary registrant of pesticides under Section 3 of FIFRA, for several violations of FIFRA Section 12(a)(1)(E) relating to misbranded pesticides. The violations alleged in the CAFO arise out of the actions of Bayer as ?supplemental distributor? and agent Harrell?s, LLC of Lakeland, Florida (which, itself, was the subject of a much larger FIFRA settlement in December 2013) by operation of the FIFRA rules at 40 C.F.R. ? 152.132. Under those regulations, both primary registrants and supplemental distributors may be held accountable for the violative acts of the distributor. The violations were documented by Region 1 and involve transactions that are associated with Harrell?s distribution centers in Danbury, Connecticut and Auburn, Massachusetts. This settlement requires Bayer to pay an \$85,500 penalty within 30 days and to certify that it is in current compliance with FIFRA.

Laws and Sections

Law	Sections	Programs
FIFRA	12A1E	Adulterated/Misbranded

Citations

Title	Part	Section
40 CFR	152.32	--

Facilities

FRS Number	Facility Name	Address	City Name	State	Zip	SIC Codes	NAIC Codes
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FRS Number	Facility Name	Address	City Name	State	Zip	SIC Codes	NAIC Codes
110046310327	HARRELLS LLC	34 EXECUTIVE DRIVE	DANBURY	CT	06810	--	--

Defendants

Defendants and Settlements	In Complaint	In Settlement
BAYER CROPSCIENCE LP	Y	Y

Related Case Documents

Document	Facility Name	Publish Date	EPA Program
No data records returned			

Case Milestones

Event	Actual Date
Final Order Issued	12/08/2014
Complaint Filed/Proposed Order	12/08/2014
Enforcement Action Data Entered	12/09/2014

Pollutants

Pollutant Name	Chemical Abstract Number
Pesticides, general	--

Related Activities

Description	Actual Date
No data records returned	

Final Order 1

Final Order Type: Administrative Penalty Order With or Without Injunctive Relief
Final Order Name: BAYER CROPSCIENCE LP
Linked Facilities (FRS ID): 110046310327
Final Order Lodged Date: --
Final Order Entered Date: 12/08/2014
Enforcement Action Closed Date: --
Actual Termination Date: --

Penalties/SEPs/Cost Recovery Amounts

Federal Penalty Assessed or Agreed To: \$85,500
State/Local Penalty Assessed: --
SEP Value: --
Compliance Action Cost: \$0
Federal Cost Recovery Awarded: \$0

Complying Actions

Complying Action ID	Category	Description
No data records returned		

Supplemental Environmental Projects

SEP ID	Category	SEP Value	Description
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SEP ID	Category	SEP Value	Description
No data records returned			

Pollutant Reductions

Resulting From	Pollutant	Annual Amount	Units	Media Affected
No data records returned				